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WILLS—REVOCATION—NEW YORK DECEDENT ESTATE LAW.—The deceased made a valid will in 1916. Shortly before her death, she executed a writing in valid testamentary form to the following effect: "Dr. O'Kennedy, Dear Friend: Please destroy the will I made in favor of Thomas Hart". *Held*, (two judges dissenting) there is no revocation. *In re McGill's Will* (1920) 181 N. Y. Supp. 48.

The methods of testamentary revocation are specified in Sec. 34 Decedent Estate Law of New York, N. Y. Consol. Laws, c. 13 (Laws of 1909, c. 18) § 34, which is similar to Sec. 20 of the English Wills Act of 1837. Courts have interpreted the latter statute strictly. Jarman, Wills (6th ed.) 149, 150. An intention to revoke, however unequivocal, if unaccompanied by the revocatory acts prescribed by statute, will not amount to a revocation. *Doe d. Reed v. Harris* (1837) 6 Ad. & Ell. 209; *Cheese v. Lovejoy* (1876) L. R. 2 P. D. 251; *In re Evans' Will* (1906) 113 App. Div. 373, 98 N. Y. Supp. 1042. Moreover, even had there been a destruction of the will in the instant case, it would have been nugatory unless in the testatrix's presence. § 34 Decedent Estate Law, *supra*. But since the writing in the principal case was in proper testamentary form, the question arises whether a mere direction to destroy is *per se* a revocation. Two cases hold that it is. *Walcott v. Ochterlony* (1837) 1 Curt. 580; *Maharajah Pertab Narain Singh v. Maharanee Subhao Koor* (1877) L. R. 4 Ind. App. 228. But since the instrument was not strictly one "declaring such revocation or alteration" as defined in Sec. 34 of the Decedent Estate Law, the result reached in the instant case seems preferable.